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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,714

06/20/2006

Masanobu Fukuda

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07/14/2010

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EXAMINER

KOLLIAS, ALEXANDER C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,714	<b>Applicant(s)</b> FUKUDA ET AL.	
	<b>Examiner</b> ALEXANDER C. KOLLIAS	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 and 13-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. All outstanding objections and rejections, except for those maintained below, are withdrawn in light of applicant's amendment filed on 4/26/2010.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. The new grounds of rejection set forth below are necessitated by Applicant's amendment filed on 4/26/2010. In particular, original Claim 1 has been amended to recite certain limitations from claim 4 and newly added claims 15-21 recite a combination of limitations not present at the time of the preceding rejection. Thus necessitating a new grounds of rejection. The following action is properly made final.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claim 18 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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6. Claims 18 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. Claims 18 and 21 recite that the binder in the ink composition does not include a melamine resin. The cited phraseology clearly signifies a “negative” or “exclusionary” limitation for which the applicants have no support in the original disclosure. Negative limitations in a claim which do not appear in the specification as filed introduce new concepts and violate the description requirement of 35 USC 112, first paragraph, *Ex Parte Grasselli, Suresh, and Miller*, 231 USPQ 393, 394 (Bd. Pat. App. and Inter. 1983); 783 F. 2d 453.

The insertion of the above phraseology as described above positively excludes melamine resin, however, there is no support in the present specification for such exclusions. While the present specification is silent with respect to the use of melamine resin, is noted that as stated in MPEP 2173.05(i), the “mere absence of a positive recitation is not the basis for an exclusion.”

### ***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

9. Claims 1, 4, 11-12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowak et al (US 6,503,965) in view of Schrempp et al (US 3,849,150).

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Regarding claim 1, Nowak et al discloses an ink composition comprising metallic pigments such as aluminum, copper, and bronze pigments which have a thickness from 0.1 to 2 microns and a diameter from about 1 to 200 microns (Column 8, Lines 25-46). It is recognized, that the present claims recite average thickness and diameter, while Nowak et al discloses pigment thickness and diameter. However, given the broad range of thickness and diameter of the metal pigments disclosed by the reference, absent evidence to the contrary, it is the Examiner's position that the thickness and diameter of the pigments disclosed by the reference meet the recited average thickness and diameter recited in claim 1.

Additionally, Nowak et al discloses resin such melamine resin, i.e. polymers comprising amino groups (Column 10, Lines 5-25). While the reference does not disclose that the melamine resin is a binder as presently claimed, it is clear the Examiner's position that the resin disclosed by the reference is a binder as presently claimed. Support for the Examiner's position is found in Schrempp et al which discloses that melamine resin is a binder, see Col 2 Lines 61-68 and Column 3, Lines 1-5 of Schrempp et al.

Regarding the pigment diameter and thickness disclosed by Nowak et al, It is well settled that where the prior art describes the components of a claimed compound or compositions in concentrations within or overlapping the claimed concentrations a prima facie case of obviousness is established. See *In re Harris*, 409 F.3d 1339, 1343, 74 USPQ2d 1951, 1953 (Fed. Cir 2005); *In re Peterson*, 315 F.3d 1325, 1329, 65 USPQ 2d 1379, 1382 (Fed. Cir. 1997); *In re Woodruff*, 919 F.2d 1575, 1578 16 USPQ2d 1934, 1936-37 (CCPA 1990); *In re Malagari*, 499 F.2d 1297, 1303, 182 USPQ 549, 553 (CCPA 1974).

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Nowak discloses all the claim limitations as set forth above. However, while the references disclose resins comprising amino groups, i.e. melamine, the reference does not disclose that the resin has an amino group concentration of 50 to 500 mmol/kg. However, it is the examiner's position that the amount of amino group in the resin is result effective variable because changing them will clearly affect the type of product obtained. See MPEP § 2144.05 (B). Case law holds that "discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art." See *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In view of this, it would have been obvious to one of ordinary skill in the art to utilize appropriate amount of amino groups, including those within the scope of the present claims, so as to produce desired end results.

Regarding claim 4, the disclosures of Nowak and Schrempp et al teach all the claim limitations as set forth above. Additionally, it is noted that Nowak discloses that pigment comprises from about 0.1 to about 60 wt % of the ink composition (Column 3, Lines 60-67).

Regarding the amount of pigment disclosed by the reference, it is well settled that where the prior art describes the components of a claimed compound or compositions in concentrations within or overlapping the claimed concentrations a prima facie case of obviousness is established. See *In re Harris*, 409 F.3d 1339, 1343, 74 USPQ2d 1951, 1953 (Fed. Cir 2005); *In re Peterson*, 315 F.3d 1325, 1329, 65 USPQ 2d 1379, 1382 (Fed. Cir. 1997); *In re Woodruff*, 919 F.2d 1575, 1578 16 USPQ2d 1934, 1936-37 (CCPA 1990); *In re Malagari*, 499 F.2d 1297, 1303, 182 USPQ 549, 553 (CCPA 1974).

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Regarding claim 11, the combined disclosures of Nowak and Schrempp et al teach all the claim limitations as set forth above. Additionally, it is noted that Nowak discloses the use of high boiling point organic solvent in the ink composition, i.e. above 100 degrees C such as alcohols, polyols, hydrocarbons, etc (Abstract, Column 4, Lines 15-27, Column 6, Lines 26-39). Based on the disclosure that the solvents utilized in the ink composition have boiling point of greater than 100 degrees C and based on the types of solvents disclosed, it is clear that the disclosed ink composition does not contain water.

Regarding claim 12, the combined disclosures of Nowak and Schrempp et al teach all the claim limitations as set forth above. It is noted, as discussed above, while Nowak discloses aluminum leafing pigments. Although Nowak does not disclose the metal thin film fragments are obtained from a metal thin film which is obtained by sputtering, malleation and aluminum vapor deposition, it is noted that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process”, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) . Further, “although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product”, *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

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Therefore, absent evidence of criticality regarding the presently claimed process of obtaining metal fragments and given that Nowak et al meets the requirements of the claimed composition, the reference clearly meet the requirements of present claims.

Regarding claim 16, the combined disclosures of Nowak and Schrempp et al teach all the claim limitations as set forth above. As discussed above, Nowak discloses an ink composition containing metallic pigments such as aluminum, copper and bronze pigments leafing pigments, thus it is clear that the pigments discloses in the reference are metal thin fragments obtains form a thin film made of metal as presently claimed.

Regarding claim 17, the disclosures of Nowak and the evidence in Schrempp et al teach all the claim limitations as set forth above. It is noted, as discussed above, while Nowak discloses aluminum leafing pigments. Although Nowak does not disclose the metal thin film fragments obtained from a vapor deposited metal thin film, it is noted that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process”, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) . Further, “although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the

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prior art product”, *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

Therefore, absent evidence of criticality regarding the presently claimed process of obtaining metal fragments and given that Nowak et al meets the requirements of the claimed composition, the reference clearly meet the requirements of present claims.

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowak et al (US 6,503,965) and Schrempp et al (US 3,849,150) as applied to claims 1, 4, 11-12, and 16-17 above, and in view of Molloy et al (US 6,476,096).

The discussion with respect to Nowak et al and Schrempp et al as set forth in Paragraph 9 above is incorporated here by reference.

Regarding claims 2-3, the combined disclosures of Nowak et al and Schrempp et al disclose all the claim limitations as set forth above. However, the references do not disclose that the ink composition comprising an acid anhydride.

Molloy et al discloses, the use of acid anhydrides in non-aqueous ink compositions , i.e. succinic anhydride which are added to the ink compositions in over to enhance the stability of the ink composition (Abstract, Column 4, Lines 31-36, Lines 53-57 and Lines 61-67). Furthermore, the reference disclose that anhydride is added to the ink composition in an amount up to 50 wt %, based on the amount of pigments (Column 10, Lines 29-31, claim 11). It is noted that the anhydride disclosed by the reference, meets the anhydride moiety recited in claim 3, i.e.  $-\text{C}(=\text{O})\text{OC}(=\text{O})$ .

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Given that both Nowak et al and Molloy et al are drawn to ink compositions comprising pigments, and resins, and, given that Nowak does not explicitly prohibit other ingredients, in light of the particular advantages provided by the use and control of the acid anhydride as taught by Molloy et al, it would therefore have been obvious to one of ordinary skill in the art to include such compounds in the composition disclosed by Nowak et al with a reasonable expectation of success.

11. Claims 15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowak et al (US 6,503,965) in view of Schrempp et al (US 3,849,150) and Molloy et al (US 6,476,096).

Regarding claims 15 and 19, Nowak et al discloses an ink composition comprising metallic pigments such as aluminum, copper and bronze leafing pigments which have a thickness from 0.1 to 2 microns and a diameter from about 1 to 200 microns (Column 8, Lines 25-46). Thus it is clear that the pigments disclosed in the reference are metal thin fragments obtained from a thin film made of metal as presently claimed. It is recognized, that the present claims recite average thickness and diameter, while Nowak et al discloses pigment thickness and diameter. However, given the broad range of thickness and diameter of the metal pigments disclosed by the reference, absent evidence to the contrary, it is the Examiner's position that the thickness and diameter of the pigments disclosed by the reference meet the recited average thickness and diameter recited in claim 15.

Additionally, Nowak et al discloses resins such as melamine, i.e. polymers comprising amino groups (Column 10, Lines 5-25). While the reference does not disclose that the melamine

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resin is a binder as presently claimed, it is clear the Examiner's position that the resin disclosed by the reference is a binder as presently claimed. Support for the Examiner's position is found in Schrempp et al which discloses that melamine resin is a binder, see Col 2 Lines 61-68 and Column 3, Lines 1-5 of Schrempp et al.

Regarding the pigment diameter and thickness disclosed by Nowak et al, It is well settled that where the prior art describes the components of a claimed compound or compositions in concentrations within or overlapping the claimed concentrations a prima facie case of obviousness is established. See *In re Harris*, 409 F.3d 1339, 1343, 74 USPQ2d 1951, 1953 (Fed. Cir 2005); *In re Peterson*, 315 F.3d 1325, 1329, 65 USPQ 2d 1379, 1382 (Fed. Cir. 1997); *In re Woodruff*, 919 F.2d 1575, 1578 16 USPQ2d 1934, 1936-37 (CCPA 1990); *In re Malagari*, 499 F.2d 1297, 1303, 182 USPQ 549, 553 (CCPA 1974).

The combined disclosures of Nowak et al and Schrempp et al disclose all the claim limitations as set forth above. However, the references do not disclose that the ink composition comprising an acid anhydride.

Molloy et al discloses, the use of acid anhydrides in non-aqueous ink compositions, i.e. succinic anhydride which are added to the ink compositions in order to enhance the stability of the ink composition (Abstract, Column 4, Lines 31-36, Lines 53-57 and Lines 61-67). Furthermore, the reference discloses that anhydride is added to the ink composition in an amount up to 50 wt %, based on the amount of pigments (Column 10, Lines 29-31, claim 11). It is noted that the anhydride disclosed by the reference, meets the anhydride moiety recited in claim 3, i.e.  $-\text{C}(=\text{O})\text{OC}(=\text{O})-$ .

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Given that both Nowak et al and Molloy et al are drawn to ink compositions comprising pigments, and resins, and, given that Nowak does not explicitly prohibit other ingredients, in light of the particular advantages provided by the use and control of the acid anhydride as taught by Molloy et al, it would therefore have been obvious to one of ordinary skill in the art to include such compounds in the composition disclosed by Nowak et al with a reasonable expectation of success.

Regarding claim 20, the combined disclosures of Nowak, Schrempp et al, and Molloy teach all the claim limitations as set forth above. It is noted, as discussed above, while Nowak discloses aluminum leafing pigments. Although Nowak does not disclose the metal thin film fragments obtained from a vapor deposited metal thin film, it is noted that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process”, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) . Further, “although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product”, *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

Therefore, absent evidence of criticality regarding the presently claimed process of obtaining metal fragments and given that Nowak et al meets the requirements of the claimed composition, the reference clearly meet the requirements of present claims.

***Response to Arguments***

12. Applicant's arguments filed 4/26/2010 have been fully considered but they are not persuasive.

13. In light of Applicant's amendment, the rejection of claims 1 and 11 under 35 U.S.C. 102 as anticipated by Kurata et al set forth in Paragraph 10 of the previous Office Action is withdrawn. Further, the rejection of claim 1 and 11-12 under 35 U.S.C. 103 over Miekka et al in view of Leach set forth in Paragraph 14 is withdrawn. Given Applicant's amendment of claim 11 the 35 U.S.C. 112 second paragraph rejection set forth in Paragraph 8 of the previous Office Action is withdrawn.

14. Regarding the reference AL on June 20, 2006 PTO-1499 form, the correct document, JP 2004-35849, has been reviewed and cited on the PTO-892 formed attached to the present Action.

15. Applicants argue that the cite references do not disclose unexpected results of the combination of metal thin film fragment and a specific binder resin. However, it is noted that Applicants have not pointed to any evidence of record regarding unexpected results. Thus, it is noted that "the arguments of counsel cannot take the place of evidence in the record", *In re*

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*Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). It is the examiner's position that the arguments provided by the applicant regarding high brightness, mirror-like finish, etc must be supported by a declaration or affidavit. As set forth in MPEP 716.02(g), "the reason for requiring evidence in a declaration or affidavit form is to obtain the assurances that any statements or representations made are correct, as provided by 35 U.S.C. 24 and 18 U.S.C. 1001".

16. Applicants argue that Nowak does not disclose that the melamine resin is a binder resin, or a main resin for fixing metal pigments. However, while it is agreed that Nowak does not explicitly disclose melamine resin as a binder resin, it is noted that evidence that melamine resin functions as a resin binder was provided by Schrempp. Although Applicants argue that Schrempp discloses a melamine resin in an ink composition where metal pigment is not used, it is noted that the reference is utilized as an evidentiary reference that melamine resins are binders in ink compositions.

Further it is noted that Applicants argue that neither Nowak nor Schrempp disclose that melamine resin functions as a binder for a metal pigments, it is noted that there is nothing within the scope of the present claims that require the binder to function as a binder for metal pigments. The claims merely recite that that the ink comprising comprises a binder resin.

Thus, in response to Applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., binder for binding of fixing metal pigment) are not recited in the rejected claim(s). Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

17. Regarding Applicants' arguments drawn to binder resins containing 50 to 500 mmol/kg of amino, carboxyl, etc groups and unexpected properties of such resins, it is noted that Applicants have not pointed to any evidence of record regarding unexpected results. Thus, it is noted that "the arguments of counsel cannot take the place of evidence in the record", *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). It is the examiner's position that the arguments provided by the applicant regarding high brightness, mirror-like finish, etc must be supported by a declaration or affidavit. As set forth in MPEP 716.02(g), "the reason for requiring evidence in a declaration or affidavit form is to obtain the assurances that any statements or representations made are correct, as provided by 35 U.S.C. 24 and 18 U.S.C. 1001". While it is agreed that Nowak does not explicitly disclose that the melamine resin has a concentration of 50 to 500 mmol/kg of amino groups, the Examiner's position remains, absent evidence to the contrary that the amount of amino group in the resin is result effective variable because changing them will clearly affect the type of product obtained. See MPEP § 2144.05 (B). Case law holds that "discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art." See *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In view of this, it would have been obvious to one of ordinary skill in the art to utilize appropriate amount of amino groups, including those within the scope of the present claims, so as to produce desired end results.

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18. Applicants argue that Molloy fails to disclose a melamine resin binder and metal thin film fragments. However, it is noted that Molloy was utilized to teach the use of acid anhydrides in non-aqueous ink compositions, i.e. succinic anhydride which are added to the ink compositions in over to enhance the stability of the ink composition. While Molloy does not disclose all the features of the present claimed invention, the reference is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely the use of anhydrides as influencing ink stability, and in combination with the primary reference, discloses the presently claimed invention. If the secondary reference contained all the features of the present claimed invention, it would be identical to the present claimed invention, and there would be no need for secondary references.

19. Applicants argue that Nowak is drawn to ink for writing instruments, Molloy is drawn to ink from inkjet prints, and Schrempp is drawn to pigments pasted for printing inks and varnishes, while the present claims are drawn to an ink for molded articles. However, it is noted that the present claims merely recite an ink composition, and do not limit the type of ink or recite that the ink is for molded articles. Thus, in response to Applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ink for molded articles) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

20. Applicants argue that Nowak, Shrempp and Molloy fail to disclose an ink which includes an acid anhydride so that the ink contains 0.01 to 30 % by mass of an acid hydride as a  $C(=O)O(C=O)$  group in the acid anhydride based on the metal thin film fragments. However, it is noted that, as set forth above, Molloy discloses the use of acid anhydride which added to an ink composition in an amount up to 50 wt % based on the amount of pigments. Thus, while the reference does not disclose the exact range of 0.01 to 30 wt %, the reference does disclose an amount of acid anhydride based on the amount of pigment which overlaps that presently claimed. Further, given that Nowak discloses ink compositions containing metal pigments such as metallic leafing pigments and given that Molloy discloses the use of acid hydride in specific amounts which is utilized to stabilize the ink composition, the Examiner's position remains, absent evidence to the contrary, that it would have been obvious to one of ordinary skill in the art to utilize the acid anhydride disclosed by Molloy in the ink composition disclosed by Nowak with a reasonable expectation of success.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER C. KOLLIAS whose telephone number is (571)-270-3869. The examiner can normally be reached on Monday-Friday, 8:00 AM -5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C. K./

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/Vasu Jagannathan/

Supervisory Patent Examiner, Art Unit 1796